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EXAMINER

HOTALING, JOHN M

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

06/14/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

.09/802,509

Applicant(s)

BLANCO, VICTOR K.

Examiner

John M. Hotaling II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-44, 55-67 and 70-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-44, 55-67 and 70-83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-13, 55-61, and 70-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US 6,599,194 B1) further in view of Nakano et al US Patent 6,043,818.**

The previous rejection is maintained, copied and incorporated herein.

Specifically, Smith discloses a home video game console system that is modified to include additional communication and storage capability via a modem and hard disk drive and a user interface. Additionally, Smith et al. discloses it is contemplated that the enhanced video game console system may alternatively be packaged in a common integrated housing and sold as a single unit. Smith et al. discloses the following; a game console (52) comprising a hard disk drive (206) that is non-removable from the game console and that stores a console application (file(s)) to which the game console boots that presents a graphical user interface providing navigation to media on the game console, wherein the hard disk drive is segregated into a user data region and an application data region (Figure 4, Column 1, lines 17-18, Column 2, lines 34-38, Column 3, lines 40-46, and 54-67, and Column 25, lines 3-22), media to play a game (Column 1, lines 10-18, Column 25, lines 3-22, Column 3, lines 57-67); media to watch a movie (television, video, or movie downloaded from the Internet) (Abstract, Column 1, lines 10-

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18, and Column 3, lines 57-67); and media to listen to music (Column 1, lines 10-18 and Column 3, lines 57-67), the game console application is stored on the non-removable hard disk drive and is executable on the processor (Column 3, lines 54-57), the non-removable hard disk drive is configured to store data associated with multiple saved games (Column 7, lines 34-42), the game console comprising an enclosure for the processor (100), the non-removable hard disk drive (206) and a port (80a-d) for interfacing with a game controller (56a-d) (Column 3, lines 41-46 and Figure 1A), a game console (52) comprising a processor (100) and a hard disk drive (206) coupled to the processor, wherein the hard disk drive stores a console application to which the game console boots, and wherein the hard disk drive (partitioned hard disk drive) stores application data such that data associated with a first application is inaccessible to other applications (Figure 4, Column 1, lines 17-18, Column 2, lines 34-38, Column 3, lines 40-46, and 54-67, Column 25, lines 3-22, and Column 17, lines 12-42). Smith discloses identifying a file name or program on the hard disk drive (Column 3, lines 57-67, Column 7, lines 34-42, Column 13, lines 3-17, Column 23, lines 1-20, and Column 25, lines 3-22), determining portions of the hard disk drive that are associated with the video game based on the game identifier (Column 3, lines 57-67, Column 7, lines 34-42, Column 13, lines 3-17, Column 23, lines 1-20, and Column 25, lines 3-22). Additionally, file names stored in a file manager by name and folder/directory is inherent to a hard disk drive having file managing capabilities; media containing a game (Column 1, lines 10-18, Column 25, lines 3-22, Column 3, lines 57-67); and media containing a movie (television, video, or movie downloaded from the Internet) (Abstract, Column 1, lines 10-18, and Column 3, lines 57-67). Regarding the different media types please see the

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following; media to play a game (Column 1, lines 10-18, Column 25, lines 3-22, Column 3, lines 57-67); media to watch a movie (television, video, or movie downloaded from the Internet) (Abstract, Column 1, lines 10-18, and Column 3, lines 57-67); and media to listen to music (audio) (Column 1, lines 10-18, Column 25, lines 3-22, Column 3, lines 57-67). With respect to the graphical user interface please see Figure 4, Column 1, lines 17-18, Column 2, lines 34-38, Column 3, lines 40-46, and 54-67, and Columns 22, 23, 25, lines 3-22. With respect to the graphical user interface please see figure 10 where a user interface, application manager, and a file manager are disclosed. Additionally, 13:3-17 discloses storage of all media on a mass storage device including games, DVD's, and other application programs. Column 22:47- 23:20 explicitly discloses a user interface as follows:

"The user interface 350 is the user interface which permits a user to select features provided by the application manager 352. The user interface therefore presents to the user a set of selectable operations.

The application manager 352 is the module which controls which applications are executed and which are not. Additionally, it exercises control over the file management system 360.

As described above, some of the applications that may be run in the video game system 50 as expanded by expansion device 95 are communications applications, which are controlled by a communications applications module 354. Such applications include an Internet browser, which may, for example, be a conventional browser providing e-mail and other capabilities appreciated by those skilled in the art.

The system also provides for off-line applications controlled by an Off-line Applications module 356. Module 356 provides calculator, word processor, TV guide and other applications. With respect to the TV guide off-line application, the TV guide may, for example, be accessed via the Internet. Once the TV guide is resident in hard drive 206, the Off-line Applications module 356 manages the various operations performed with respect to the TV guide data.

As shown in FIG. 10, all applications have access to File Manager module 360. File Manager 360 controls the files which are stored on hard drive 206 or other mass memory module utilized in the system. The File Manager 360 must in turn pass through the security layer controlled by the Security module 362 before decryption of data stored in the disk is possible."

This section clearly discloses a user interface and a file manager. With respect to the amended subject matter please see above that the system may use a conventional browser that presents the user interface to the user a set of selectable operation and can include movies, games and music. Such file managers and browsers are notoriously well known and inherent in computer systems. With regard to the specifics of the user interface please see Nakano et al where it is disclosed that a method comprising booting into a console application stored on a hard disk memory of a game console, regardless of whether a recognizable media is loaded into the game console (col. 14, lines 21-40), and presenting a user interface to facilitate access to multiple different media types, the user interface including multiple graphical elements corresponding to the multiple different media types, wherein each graphical element is a navigational entry point to a menu for a respective one of the media types. Specifically, Fig. 4A display multiple media types in the form of user-selectable buttons, wherein upon selection of said button a user is presented with a media-type specific menu (Fig. 5, 11,13; col. 5, lines 27-39). Nakano discloses wherein the media types are selected from a group of media types comprising game titles, audio files, and video files (Fig. 4A, "Video File Player", "Video CD Player", "Game Arcade"). Nakano discloses navigating to one of multiple menus, where individual menus are associated with a particular media type (Fig. 3,5,11,13; col. 5, lines 27-39). Nakano discloses presenting a games collection menu that identifies games currently available for playing on the game console (Fig. 12, 13). Nakano discloses presenting a music collection menu that identifies music currently available for playing on the game console (Fig. 11, "Playlist"). Nakano discloses presenting a memory contents menu that identifies contents stored on the hard disk memory (Fig. 4A displays buttons for "Find All Files" and "[C:]", wherein [C:] is the computer's hard drive). Nakano discloses one or more computer-readable media

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comprising computer-executable instructions that, when executed, perform the method as recited in claim 1 (Fig. 2). Nakano discloses that the console application accepts a user selection of one of the graphical elements of the user interface prior to navigating to a menu for a respective one of the different media types (col. 5, lines 27-39). While Nakano does not specifically disclose presenting a movie collection menu that identifies movies currently available for playing on the game console Nakano does disclose a "Video File Player" button, i.e. graphical element, (Fig. 9) that allows a user to watch video files (Fig. 8). Additionally, as described above, Nakano specifically discloses media-type specific menus that display games currently available for playing on the game console, as well as music currently available for playing on the game console. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow a player to view a menu presenting movies games and music currently available for playing on the game console. One would have been motivated to do so in order to allow a player to easily select the movie they wish to view as taught by Nakano.

**Claims 22-30, 35-43, and 62-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US 6,599,194 B1) in view of Nakano et al US Patent 6,043,818 further in view of Sega Dreamcast User Manual, disclosed to the public on September 9, 1999.**

As described above, Smith discloses a user interface for selecting different types of media. Smith et al. discloses a video game system modified to include a hard disk drive and communication capabilities, including the capability to access and play music, games and video as described above. Smith et al. does not specifically disclose a game

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controller with a memory unit attached configured to store different types of media. Instead smith discloses in column 4 that a wide variety of alternative program storage media are contemplated by the present invention such as CD ROM, Floppy disk, ROM, etc. The ROM may contain, for example, instructions and other information for an adventure game, etc. This enables a computer system to access the information contained within the read only memory. Column 5 discloses the use of controllers 56 that are commonly used with a game machine that uses an expansion device as incorporated by reference from copending us application 08/719,019 now US Patent 6,001,015. The video game system 50 is designed to accommodate expansion to incorporate various types of peripheral devices by incorporating a programmable peripheral device input/output system. This would supply one with motivation to find other systems where a controller with a memory device is accessible by the video game system. In an analogous invention The Sega Dreamcast User Manual describes a gaming console wherein a user may choose a gaming or music media type application to be operated by the gaming console by inserting the appropriate disk. As can be seen on page 11 of the Sega Dreamcast User Manual, upon startup a user is presented with a main menu and may choose from the following selectable options; Play, File, Music, or Settings. Pages 14-21 disclose all of the remainder of the claimed limitations in the section for managing game files including a user interface for multiple controllers and managing files on the portable storage units in the game controllers.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.



***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All of the references cited in the 892 are related to data processing systems used in a game machine.

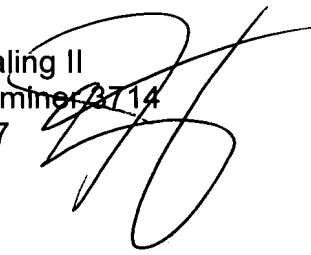
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Hotaling II whose telephone number is (571) 272 4437. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272 3507. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John M Hotaling II  
Primary Examiner 3714  
June 7, 2007



Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/18/06, 9/19/06, 6/2/06, 4/18/06, 1/6/06.